

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

THE QUANTUM WORLD CORP.

v.

LENOVO (UNITED STATES) INC., et al.

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Case No. 2:11-CV-241-JRG-RSP

MEMORANDUM ORDER

Before the Court is Defendant Lenovo Group Limited and Lenovo (United States) Inc.'s Motion for Leave to File Amended Answer (Dkt. No. 107) which was filed on April 23, 2012. In the motion, defendants seek leave to amend their Answer to include a "patent misuse counterclaim and affirmative defense. For the reasons assigned below, the motion is DENIED.

The jury trial in this matter is just weeks away, the discovery deadline passed two months ago, and the deadline for amending pleadings passed nearly six months ago. The procedural prejudice to plaintiff is obvious. Furthermore, defendant does not have a sufficient explanation for its delay in moving to amend, since the record shows that defendant began telling plaintiff's counsel about the issue as early as January 14, 2012 (see Exhibit B to plaintiff's response).

Finally, the defendant cites no authority to support the application of the patent misuse defense in a situation where the license at issue was granted long ago, and the defense is being asserted based on arguments made in the litigation arising out of the license.

Accordingly, the motion of leave to amend is DENIED.

SIGNED this 24th day of May, 2012.



ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE